

CITY COUNCIL, CITY OF LODI
CITY HALL COUNCIL CHAMBERS
MARCH 7, 1973

A regular meeting of the City Council of the City of Lodi was held beginning at 8:00 p.m. on Wednesday, March 7, 1973, in the City Hall Council Chambers.

ROLL CALL

Present: Councilmen - KATNICH, PINKERTON
SCHAFFER and HUGHES
(Mayor Pro Tem)

Absent: Councilmen - EHRHARDT

Also present: City Manager Henry Glaves, City Attorney Robert Mullen, Planning Director James Schroeder and Public Works Director Shelley Jones.

INVOCATION

The invocation was given by Councilman Schaffer.

PLEDGE

Vice Mayor Hughes led the Pledge of Allegiance to the flag.

MINUTES

On motion of Councilman Katnich, Pinkerton second, the Minutes of February 7, 1973, were approved as written and mailed.

On motion of Councilman Pinkerton, Schaffer second, the Minutes of February 21, 1973, were approved as written and mailed.

PRESENTATION -
RE S. SALAS

Councilman Walter Katnich presented Mrs. Samuel Salas with a plaque in honor of her husband, the late Samuel D. Salas. The plaque expressed the appreciation of the City Council and the citizens of Lodi for Mr. Salas' many years of service to the community as a member of the Recreation Commission.

PUBLIC HEARINGS

BANK OF
AMERICA -
PARKING
DIST. #1
EXCHANGE
DENIED

Notice thereof having been published in accordance with law and affidavit of publication being on file in the office of the City Clerk, the Mayor pro tempore called for the public hearing to consider the request of Bank of America to exchange parcels within Parking District No. 1 of the City of Lodi.

Planning Director Schroeder presented drawings and outlined the proposal of Bank of America. He explained that the Bank wished to exchange the property so that it could (1) add drive-up facilities, (2) provide additional automobile storage for customers using the drive-up windows and (3) retain the same amount of off-street parking that presently exists.

The following persons spoke in favor of the proposal:

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1. Mr. James M. Gulley of Continental Services Company, 260 Fifth Street, San Francisco, and representing the Bank of America. Mr. Gulley discussed the proposal of Bank of America for exchange of the parking lots. The plan involved the exchange of a City parking lot on Church Street immediately west of the downtown Bank of America building for a lot on the west side of Sacramento Street between Oak and Pine Streets. He discussed the Planning Commission's recommendation to deny the request and presented drawing of the proposed plan. He said the Bank would provide the City with as many parking stalls as presently exist and that the Downtown Parking Report prepared by Herman Ruth and Associates recommended off-street parking facilities on South Sacramento Street. He said the exchange of the lots would result in benefit to the Bank's customers, but would also result in a benefit to others.
2. Mr. Bozant Katzakian, 122 North Church Street.
3. Mr. John Hellawell, Manager of Western Auto Supply Company, 21 West Oak Street.
4. Mr. Victor Meyer, 221 West Oak Street.
5. Mr. Earl Williams, Manager, J. C. Penney Company, 111 South School Street.

The following persons were present and spoke in opposition to the proposal:

1. Mr. Lawrence Drivon, Jr., Attorney at Law, 404 West Pine Street. He said the proposal of Bank of America would increase congestion in the alley west of the proposed parking lot. Mr. Drivon said the usage of the parking lot on Church Street had been increasing rather than decreasing since growth of business had been to the west rather than to the east and this indicated the need to retain the present parking lot. He pointed out that the parking lot on Church Street is used by the public not only during the day but also at night and on weekends. He felt a parking lot on Sacramento Street would not be practical for such usage.
2. Mr. John Maxwell, 39 South Sacramento Street.

There being no other persons wishing to speak on the matter, the public portion of the hearing was closed. Councilman Schaffer said he would abstain from discussion and voting on the matter because of a possible conflict of interest.

City Manager Graves reported he had had an independent appraisal made by T. A. Bowen & Son. He said the fair market value of the Sacramento Street lot was appraised to be \$3.50 per square foot, or a total value of \$45,412.50; the fair market value of the Church Street lot was \$7.00 per square foot or a total value of \$95,200.00.

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After Council discussion, Vice Mayor Hughes moved the proposal of Bank of America for the exchange of property in Parking District No. 1 be denied. The motion was seconded by Councilman Katnich and carried by the following vote:

Ayes: Councilmen - Katnich, Pinkerton and Hughes

Noes: Councilmen - None

Abstain: Councilmen - Schaffer

Absent: Councilmen - Ehrhardt

RECESS

A recess was declared at 9:33 p.m. and the Council reconvened at approximately 9:36 p.m.

D.U.U.M.P. DISTRICT 1

Notice thereof having been published in accordance with law and affidavit of publication and mailing being on file in the office of the City Clerk, the Mayor pro tempore called for the public hearing to determine whether public necessity, health, safety or welfare required the formation of Underground Utility District #1, located between Church and Sacramento Streets and Lodi Avenue and Walnut Street. There was no one in the audience wishing to speak for or against the proposal and no communications received. The public portion of the hearing was closed.

Mr. Reg Parrett, 211-213 South School Street, was in the audience and questioned the cost to property owners in the District.

SERVICE POLICY RES. NO. 3735

After Council discussion, on motion of Councilman Katnich, Schaffer second, the Council adopted Resolution No. 3735 establishing the service policy for the Downtown Underground Utility Districts as follows:

"Customers that are receiving electric service at the time underground utility districts are established in the Master Plan Downtown Underground Utility District shall do the following:

- a. Provide the necessary easement at a location satisfactory to the Utility District for the installation of the underground conduit and wire;
- b. Furnish and install the electrical conduit that is required to be attached to the customer's building.

Reconnection will be made by the City to the existing point of service except when the customer's metering facilities are located nearer the underground service point than the existing overhead entrance, the City may elect to supply service directly to the metering point. Any change in service location requested by the customer will be made at customer expense.

In the event the customer will not grant the necessary easements, the customer will be required to extend his

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service to the City's nearest available point of service on public property prior to the date specified in the ordinance establishing the underground utility district.

Customers requesting relocation of underground service shall pay the cost of such relocation."

ESTABLISH
DISTRICT #1
RES. NO. 3736

The Council, on motion of Councilman Schaffer, Katnich second, then adopted Resolution No. 3736 establishing Underground Utility District No. 1.

PLANNING COMMISSION

The City Manager gave the following report of the Planning Commission meeting of February 26, 1973:

BANK OF
AMERICA
REQUEST

The Planning Commission determined that the request of the Bank of America by Mr. James M. Gulley to exchange an existing public parking lot at the northeast corner of West Oak Street and South Church Street for a new parking lot on South Sacramento Street north of West Oak Street was unacceptable under the present conditions.

In matters concerning the abandonment of public property which had been or was being devoted to a public purpose, the Planning Commission is required to find that there is not public need for the property before the abandonment may proceed. In the present instance, the Planning Commission found that a greater public need existed for the parking facility at Oak and Church Streets than for a new lot on South Sacramento Street.

REZONE POR.
P-D (3) TO
FLOODPLAIN

The Planning Commission recommended that the portion of Planned-Development District No. 3 (P-D(3)), which is located within the Mokelumne River floodplain as determined by the U.S. Army Corps of Engineers in August, 1970, be rezoned from P-D(3) to F-P, Floodplain. The Planning Commission set a public hearing for 7:30 p.m., Monday, May 13, 1974, to consider rezoning the remaining area of P-D(3) to R-1, Single-Family Residential District.

The above matter was set for public hearing on March 21, 1973, on motion of Councilman Katnich, Schaffer second.

AMEND P-D(4)

The Planning Commission recommended the following amendments to Planned-Development District No. 4 (P-D(4)), which encompasses the English Oaks Manor Subdivision at the northwest corner of Harney Lane and South Hutchins Street:

- a. That Parcel "F" on the west side of Scarborough Drive between Century Boulevard and Wimbeldon Drive be redesignated from an apartment site at 10 units per acre to Lots 164 through 169 for "Zero Lot Line Houses" and Lots 163 and 170 for standard, two-family purposes;
- b. That Lots 467 through 478 along Wimbeldon Drive adjacent to the elementary school site be established and approved for standard two-family purposes;

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c. That the area bounded by Wimbeldon Drive, Winchester Avenue, Harney Lane and South Ham Lane be re-designated in the following manner:

- (1) Lots 238, 269 through 276; Lots 278 through 291; 300-301; 316-317; 331-332; 349 and 252-253 for standard two-family purposes;
- (2) Lot 277 (formerly Lots 277 and 278) for standard four-family purposes; and
- (3) All the remaining lots for standard single-family purposes.

d. That the Revised Tentative Subdivision Map of English Oaks Manor as approved by the Planning Commission on Monday, February 26, 1973, become the development plan for Planned Development District #4 (P-D(4)).

This matter was set for public hearing on March 21, 1973, on motion of Councilman Katnich, Schaffer second.

ACTIONS OF INTEREST

The Planning Commission also took the following actions of interest to the City Council:

1. Accepted the Environmental Impact Report by R. W. Siegfried and Associates, Consulting Civil Engineers for the Vineyard Subdivision #2, a 36-acre, 182-unit development located at the northeast corner of Harney Lane and South Hutchins Street, and determined that the project would have no significant impact.
2. Accepted the Environmental Impact Report by Meyer, Baumbach and Piazza, Consulting Civil Engineers for Aladdin Gardens Subdivision #2, a 10.6-acre, 74-unit development east of Lower Sacramento Road and south of West Elm Street and determined that the project would have no significant environmental impact.
3. Accepted the Environmental Impact Report by Mr. Clifford Gatzert, Consulting Civil Engineer for Kramer Estates Subdivision, a 4-acre, 30-unit development on the west side of South Mills Avenue at West Walnut Street and determined that the project would have no significant environmental impact.
4. Approved, with conditions, the Revised Tentative Map of English Oaks Manor Subdivision, a 175-acre, 1100-unit development at the northwest corner of Harney Lane and South Hutchins Street in an area zoned Planned Development District #4 (P-D(4)).
5. Approved the request of Mr. Howard Babcock for a Variance to increase the maximum allowable sign area from 66-square feet to 80-square feet to permit a sign to remain at 235 Lakewood Mall in an area zoned C-S, Commercial Shopping District.
6. Approved the request of Genie Land Company for a Use Permit for Phase II of Planned Development District No. 6 (P-D(6)) which is Aladdin Gardens Subdivision,

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Unit #2, located on the east side of Lower Sacramento Road and south of West Elm Street.

7. Approved the request of Mr. Phillip H. Muller for a Variance to increase the allowable roof overhang in a required side yard area from 2 feet to 3 feet at 1400 Edgewood Drive in an area zoned R-1, Single-Family Residential.
8. Recommended that the San Joaquin County Board of Zoning Adjustment approve the request of Mr. Marlo Kerner and Mr. Burton Towne, III, for the Feed and Fuel Restaurant for Variances to reduce the required front yard from 20 feet to 0 feet and the required off-street parking spaces from 29 to 16 to permit an addition to an existing restaurant on the west side of Main Street, north of Augusta Street, Town of Woodbridge in an area zoned C-2, General Commercial.

COMMUNICATIONS

ABC LICENSE	An application for alcoholic beverage license was received from Yu Jow Chan, Henry W. Leung and George H. Poon, Turnage Market, 201 West Pine Street, off-sale beer and wine, person-to-person transfer.
PG&E RATE INCREASE	A notice was received of Pacific Gas & Electric Company's application before the Public Utilities Commission to revise its gas service tariff to offset the effect of anticipated increases in the price of gas.
PUC- RE GREYHOUND INCREASE	A notice was read of the public hearing before the Public Utilities Commission to consider the request of Greyhound Lines-West to increase its passenger fares and express rates.
CVD-LCC DINNER MTG.	A notice was read of the quarterly dinner meeting of the Central Valley Division, League of California Cities to be held in Stockton on Thursday, March 22, 1973.
C. I. R.	Vice Mayor Hughes presented a letter received from Lieutenant Governor Ed Reinecke extending an invitation to the Mayor and Councilmen to testify before a sub-committee of the Governor's Council on Intergovernmental Relations on the subject of local government reform.

REPORTS OF THE CITY MANAGER

CLAIMS	Claims in the amount of \$375,942.54 were approved on motion of Councilman Schaffer, Pinkerton second.
KRAMER ESTATES	The City Manager presented the Kramer Estates Subdivision final map, improvement plans, improvement securities, subdivision agreement and electrical utility agreement for Council approval. On motion of Councilman Katnich, Schaffer second, the Council approved the final map, improvement plans and securities and authorized the City Manager to sign the subdivision and electrical utility agreements on behalf of the City.

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FAIRMONT
PARK - LOTS
1-5

The City Manager presented the Resubdivision, Lots 1-5, Fairmont Park Development improvement plans, improvement securities and development agreement for Council approval. On motion of Councilman Pinkerton, Katnich second, the Council approved the improvement plans and securities and authorized the City Manager to sign the development agreement on behalf of the City.

ACCEPT SUBD.
PAVING - 1972

On motion of Councilman Schaffer, Katnich second, the Council accepted the improvements in Subdivision Paving - 1972 and directed the Public Works Director to file the Notice of Completion on the project.

ACCEPT
VINE STREET
IMPROVEMENTS

On motion of Councilman Schaffer, Pinkerton second, the Council accepted the Vine Street improvements, Mills Avenue to Ham Lane, and directed the Public Works Director to file the Notice of Completion on the project.

LIBRARY SITE -
BEOSHANZ
PROPERTY

The City Manager reported that the Library Board had approved and recommended to the Council the purchase of one of the two remaining parcels involved in the site for the future library. He said an agreement had been reached with Ervin and Dianna Beoshanz for the purchase of the property for \$14,500.00.

Councilman Schaffer said he was opposed to the purchase of the property by the City because the site was a commercial site and he was not in favor of building the library on commercial property. He felt the possibility of purchasing the Tokay High School site on Hutchins Street should be investigated since this was a much larger site and would allow for future expansion. He said he was opposed to construction of the library on the property proposed by the Library Board because it was more expensive than other available land.

The City Manager said he had asked Mr. Ray Jansen to discuss with the School Board the City's offer to share the costs of an appraisal of the Tokay High School property. He had not received their reply. The Council then reaffirmed its interest in continuing preliminary discussions with representatives of the Lodi Unified School District with regard to the City's acquisition of the Tokay High School site.

On motion of Councilman Katnich, Pinkerton second, the Council approved the agreement between the City of Lodi and Ervin and Dianna Beoshanz for acquisition of property at 210 North Pleasant Avenue as part of a future library site and authorized the City Manager to sign the agreement on behalf of the City.

Councilman Pinkerton then moved approval of the City paying one-half of the appraisal fee for the Tokay High School site. The motion was seconded by Councilman Schaffer and carried.

Vice Mayor Hughes then stated the Council would be happy to meet with the Library Board to discuss the future library site.

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LOBAUGH
PROPERTY
RES. NO. 3737

On motion of Councilman Schaffer, Katnich second, the Council adopted Resolution No. 3737 authorizing the City Attorney to start condemnation proceedings for acquisition of a portion of the Lobaugh property located on Lower Sacramento Road; said property to be used for installation of the 60-KV line and the Lower Sacramento Road Frontage Road.

SPECS -
PUMPS

The City Manager presented specifications for the A-2 Retention Basin pumps for Council approval. On motion of Councilman Schaffer, Katnich second, the Council approved the specifications as presented and authorized advertising for bids thereon.

LEWIS
AGREEMENT

Mr. Graves presented an agreement between Billy G. and Dimitra Lewis and the City of Lodi concerning the acquisition of street right of way for the Lower Sacramento Road Frontage Road. On motion of Councilman Schaffer, Pinkerton second, the Council approved the agreement and authorized the City Manager to execute same on behalf of the City.

LABOR
RELATIONS
CONSULTANT

On motion of Councilman Schaffer, Katnich second, the Council authorized the employment of the firm of St. Sure, Moore, Hoyt and Sizoo to conduct the meet and confer sessions with the City employee's representatives for 1973.

TURNAGE
MARKET
LEASE
ASSIGNMENT

City Manager Graves reported that the parties leasing the Turnage Market had requested approval of the assignment of their lease. He explained that the partnership holding the lease was going to be dissolved and they wished to transfer the lease to another partnership. He recommended approval of the assignment. On motion of Councilman Schaffer, Katnich second, the Council approved the assignment of the lease for the Turnage Market as recommended, and authorized the City Manager to execute same on behalf of the City.

TURNAGE
MARKET
PAINTING

On motion of Councilman Pinkerton, Schaffer second, the Council approved a special allocation in the amount of \$1,072 to cover the cost of painting the exterior trim at the Turnage Market.

LODI LAKE
EXPANSION

City Attorney Mullen recommended the Council authorize condemnation proceedings for the acquisition of four properties for the expansion of the Lodi Lake Park. He also recommended retaining the services of Attorney Maxwell Freeman, if necessary, to complete the acquisition of the four properties.

BECKMAN
PROPERTY
RES. NO. 3738

On motion of Councilman Schaffer, Katnich second, the Council adopted Resolution No. 3738 authorizing the City Attorney to start condemnation proceedings for acquisition of the Beckman property for the expansion of the Lodi Lake Park.

JONES
PROPERTY
RES. NO. 3739

On motion of Councilman Pinkerton, Katnich second, the Council adopted Resolution No. 3739 authorizing the City Attorney to start condemnation proceedings for acquisition of the Jones property for the expansion of the Lodi Lake Park.

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DEVINE
PROPERTY
RES. NO. 3740

On motion of Councilman Pinkerton, Schaffer second, the Council adopted Resolution No. 3740 authorizing the City Attorney to start condemnation proceedings for acquisition of the Devine property for the expansion of the Lodi Lake Park.

HUGHES-WILSON
PROPERTY
RES. NO. 3741

On motion of Councilman Pinkerton, Schaffer second, the Council adopted Resolution No. 3741 authorizing the City Attorney to start condemnation proceedings for acquisition of the Hughes-Wilson property for the expansion of the Lodi Lake Park.

LEGAL
SERVICES

On motion of Councilman Schaffer, Katnich second, the Council then approved retaining the services of Attorney Maxwell Freeman, if necessary, to complete the acquisition of the above mentioned properties.

ORDINANCES

REZONE
ONE ACRE
S. SIDE IRIS
DRIVE

ORD. NO. 998
ADOPTED

ORDINANCE NO. 998, entitled, "AN ORDINANCE AMENDING THE OFFICIAL DISTRICT MAP OF THE CITY OF LODI AND THEREBY REZONING A ONE-ACRE PARCEL LOCATED ON THE SOUTH SIDE OF IRIS DRIVE WEST OF THE WEST RIGHT-OF-WAY LINE OF SOUTH HAM LANE TO BE IN THE R-GA, GARDEN-APARTMENT RESIDENTIAL DISTRICT," having been introduced at a regular meeting on February 21, 1973, was brought up for passage on motion of Councilman Katnich, Schaffer second. Second reading was omitted after reading by title, and the ordinance was then passed, adopted and ordered to print by the following vote:

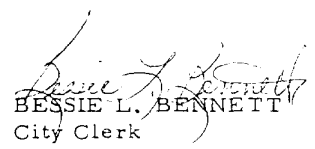
Ayes: Councilmen - HUGHES, KATNICH,
PINKERTON and SCHAFFER

Noes: Councilmen - None

Absent: Councilmen - EHRHARDT

ADJOURNMENT

There being no further business, the meeting was adjourned on motion of Councilman Pinkerton at approximately 11:22 p.m.

Attest: 
BESSIE L. BENNETT
City Clerk